

REMARKS

In the Office Action, claims 1, 3-21 and 23-72 were rejected. By the present response independent claim 21 has been amended. This amendment does not add any new matter. Upon entry of this amendment, claims 1, 3-21 and 23-72 remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims

Claim Objections

In the Office Action, the Examiner objected that in claim 20, line 2, “the article” lacks proper antecedent basis. *See* Office Action, p. 2. However, Applicants respectfully point the Examiner to the preamble of the claim that recites “A system for detecting an explosive within an article, comprising...” Thus, “the article” is supported by antecedent basis in the preamble of claim 20. Accordingly, Applicants respectfully request that the Examiner withdraw the objection to the claim.

Further, in the Office Action, the Examiner objected that claim 21, line 6 “can be” should read “--are--.” *See* Office Action, p. 2. Although Applicants do not necessarily agree with the Examiner’s objection, Applicants have amended the claim. In view of this amendment, Applicants respectfully request that the Examiner withdraw the objection to the claim.

Claim Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1, 3-5, 9-11, 13-21, 23-25, 27, 29 33-41, 44-46, 48-49, 51-52, 54-55, 57-60, 64-68 and 70-72 under 35 U.S.C. § 103(a) as unpatentable over U.S. 2004/0017888A1 (hereinafter “Seppi”) in view of U.S. Patent No. 5,305,363 (hereinafter “Burke”). Applicants further note that the Application presently includes six independent claims, namely claims 1, 21, 41, 48, 58, and 68. Accordingly, all of the independent claims stand rejected in view of

Seppi combined with Burke. Because this was the only rejection of these independent claims, the Seppi and Burke combination will be discussed in greater details below.

The independent claims 1, 21, 48, 58 and 68 recite, *inter alia* and in generally similar language, two salient features that are both absent from the Seppi and Burke references. These features include: (1) the use of a stationary radiation source and a stationary detector for computed tomography imaging; and (2) three-dimensional reconstruction of a computed tomography image.

Seppi fails to teach a stationary computed tomography scanner.

The Examiner relied upon Seppi for teaching a system for detecting an explosive within an article. The Examiner specifically pointed out that Seppi discloses an acquisition subsystem including a x-ray computed tomography scanner having a stationary radiation source (16) and a stationary detector (21). *See* Office Action, p. 2. However, there is nothing in the Seppi reference that would lead one skilled in the art to understand that the cargo scanning unit 10 disclosed by Seppi includes an x-ray computed tomography scanner having a *stationary radiation source* 16. Indeed, the discussion in Seppi would lead one skilled in the art to believe that the scanning unit 10 includes x-ray sources 16 that are configured to move within a given region around a truck 12 or container 14.

For example, Seppi includes a conveying system 22 to move the x-ray sources 16 along a rail 18 and/or to move the rail. *See* Seppi [0040]. The x-ray sources 16a-16f and/or the rail they are attached to are moved within a region R1 extending only partially around the first path (i.e., the path of the truck 12 carrying a cargo container 14). *See id.* at [0039]-[0041]. In other words, the x-ray sources are supported by a semi-circular rail 18 and rotate around an axis C passing through the center of the scanning unit 10. *See* Seppi, FIG. 1.

Further, Seppi discloses that “the conveyor system 22 moves all of the sources 16 simultaneously, in one direction and then in the opposite direction, to enable scanning of the entire volume of the cargo container 14 at a plurality of angles.” *See id.* at [0048]. Therefore, the sources rotate about the axis to a given angle and then rotate in the opposite direction about the axis until reaching a limiting angle in the opposite direction. In other words, the x-ray sources rotate back and forth over the cargo to provide a multitude of scans at various angles. One skilled in the art would not recognize these as a stationary radiation source. At the very least, the Examiner has not presented any evidentiary basis in Seppi for demonstrating otherwise. Accordingly, the basis for the rejection set forth by the Examiner is not supported by the Seppi reference.

Because Seppi does not provide the teachings relied upon by the Examiner, the combination of the teachings of Seppi and Burke can not support a *prima facie* case of obviousness. Accordingly, Applicants request reconsideration and withdrawal of the rejection under § 103(a) of independent claims 1, 21, 48, 58 and 68 and claims depending therefrom.

Burke fails to teach a CT system utilizing three-dimensional reconstruction techniques.

The Examiner relied on Burke to teach a CT system utilizing three-dimensional reconstruction techniques. The Examiner did not point specifically to any discussion within the Burke reference, but instead merely stated that “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to provide the CT system of Seppi with the three-dimensional reconstruction techniques as taught by Burke, since it would provide better object observation.” Office Action, p. 3. Applicants assume that the Examiner referred to the portion of the Burke reference that discloses reconstructing spiral data into a three-dimensional representation. *See* Burke, col. 8, lines 37-66. However, one skilled in the art would

not associate the technique of reconstructing spiral data into a three-dimensional representation (typically referred to in the art as helical mode scanning) with the three-dimensional reconstruction techniques recited in the present independent claims 1, 21, 48, 58 and 68 which also recite an acquisition subsystem comprising a stationary radiation source. Accordingly, the basis for the rejection set forth by the Examiner is not supported by the Burke reference.

Because Burke does not provide the teachings relied upon by the Examiner, the combination of the teachings of Seppi and Burke can not support a *prima facie* case of obviousness. Accordingly, Applicants request reconsideration and withdrawal of the rejection under § 103(a) of independent claims 1, 21, 48, 58 and 68 and claims depending there from.

The Examiner has not addresses each element recited in claim 41.

The Examiner relied on Seppi to teach the acquisition subsystem comprising an energy discriminating detector adapted to acquire energy sensitive measurements. *See* Office Action, p. 5. Although Applicants respectfully disagree with the Examiner's analysis of independent claim 41 in light of the Seppi reference, Applicants would like to focus on elements recited by the claims that were not at all addressed by the Examiner. Specifically, the Examiner failed to point to a reference that discloses, *inter alia*, "at least one additional source of information pertaining to the explosive, wherein the image data and the at least one additional source of information assist in identifying the explosive." Accordingly, the Examiner has failed to address each element of the independent claim 41 and has, thus, failed to present a *prima facie* case of obviousness with regard to claim 41.

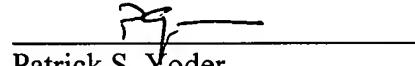
Accordingly, Applicants request reconsideration and withdrawal of the rejection under § 103(a) of independent claim 41 and claims depending therefrom.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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Patrick S. Yoder
Reg. No. 37,479
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545